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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/037,337

12/21/2001

Richard L. Copeland

C4-599

5844

7590

12/28/2004

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EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,337

Applicant(s)

COPELAND ET AL.

Examiner

Benjamin C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 12-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4 is/are allowed.
6) ☒ Claim(s) 12-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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Response To Request For Reconsideration

Claim Status

1. **Claims 4 and 12-32** are pending.

Claim Rejections - 35 USC § 103

2. **Claims 16-19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. as stand in the previous Office action.
3. **Claims 12-15, 20-25 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Yoshizawa et al. (US pat. #5,567,537) as stand in the previous Office action.
4. **Claims 26-29 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Yoshizawa et al. and Balch et al. (US pat #6,118,378) as stand in the previous Office action.
5. **Claims 28-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Yoshizawa et al. and Martinides (US pat #5,371,490) as stand in the previous Office action.

Allowable Subject Matter

6. **Claim 4** is allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 12-32 have been considered but are deemed persuasive.

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1) Regarding Applicant's comments for claims 16-19, while Davies et al. does not disclose the claimed first and second outer members, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to form the one-piece wrap-around member 53 of Davies et al. by using separate top and bottom members which are joined at the seams at the two side edges to form the "flux-confining box" and still function for its expressed intended purpose of containing magnetic flux, for situations such as when only smaller sections of the wrap-around member material are available or cost effective at the time of implementation.

2) Regarding Applicant's comments for claims 12-15, 20-25 and 32, the combined teaching of Davies et al. and Yoshizawa et al. minimizes the antenna size using techniques/materials taught by Yoshizawa et al. for the EAS interrogation antenna of Davies et al. for its intended EAS interrogation function, that is, the antenna size is minimized within the context of not changing the antenna's intended EAS interrogation function. Such a modification would have been obvious to one skilled in the art, as explained in detail in the rejection, since Davies et al. provided the motivation for a smaller size antenna in the intended EAS interrogation antenna application by using a solid core versus an air core for the antenna, and Yoshizawa et al. provides teaching of using amorphous ribbons as a solid core material for an antenna in the manner indicated in the rejection and taught by Yoshizawa et al. that would minimize the antenna size in relation to the antenna's electromagnetic functionality. The rejection did not suggest or indicate to replace the EAS interrogation antenna in Davies et al. with the IC-card-reading antenna of Yoshizawa et al. which is not an EAS interrogation antenna, but rather to implement the teaching of using the amorphous ribbons aspects as an antenna core

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in the antenna of Yoshizawa et al. to provide the advantages of minimized antenna size and high Q value in Davies et al. in its intended EAS interrogation function, advantages which one skilled in the art would have recognized for the antenna function in Yoshizawa et al. in view of the combined teachings. Furthermore, it is noted that one skilled in the art would have readily recognized that in both Davies et al. and Yoshizawa et al., the objectives including high Q value and minimized antenna size were achieved in the context of their intended antenna functions, i.e. their antennas functioning as intended in their intended application while achieving those objectives. Yoshizawa et al. teaches providing a maximum Q value possible in the smallest antenna possible that achieves the intended application function, advantageous in antennas including that of Davies et al., and the claimed invention does not recite minimizing the Q value as, apparently erroneously, indicated by Applicant.

3) Applicant's comments regarding claims 26-29 and 31 rejected under Davies et al. in view of Yoshizawa et al. and Balch et al. referenced the arguments already made above, of which responses have been provided above. The details of the rejection as well as motivation for modification and reference combining are found in the rejection.

4) Applicant's comments regarding claims 28-31 rejected under Davies et al. in view of Yoshizawa et al. and Martinides referenced the arguments already made above, of which responses have been provided above. The details of the rejection as well as motivation for modification and reference combining are found in the rejection.

5) Claim 4 has been allowed, because it further defines the invention of the rejected claims with detail that patentably distinguishes it from the prior art.

6) In conclusion, Applicant's arguments directed to the rejected claims are not deemed persuasive, and the rejection is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

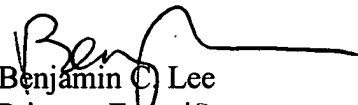
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
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B.L.